

Unmarked copies of the above claims are appended hereto.

#### REMARKS

Responsive to the First Office Action mailed 6/10/2002, the foregoing First Amendment is submitted to provide black and white drawings to avoid the Examiner's color drawing objections and increase the size of Fig. 5 to make it legible in accordance with the Examiner's requirements. A blow up of the original Fig. 5 is attached, along with a more readable clearer copy of a sample First Notice dated one year later. It is requested that the requirement for formal drawings be deferred until completion of the action on the merits. Support for the drawing amendments is found in the claims and specification. No new subject matter was entered.

Claims 1 through 11 were cancelled, and new Claims 12 through 22 were substituted to avoid the 35 USC §112 objections to the claims. Specifically, the "such as" phrase was removed and the phrase --containing, but not limited to-- was substituted in accordance with the specification on pages 1 and 2 to mean a database of information with data fields containing those items listed as suggested by the Examiner. In addition, the "high degree of reliability" reference was modified in accordance with page 2 of the specification to provide an overall effective match rate of in excess of 95 percent of one driver per vehicle per policy to correspond to the degree of reliability contemplated by the invention. The reference in the claims to "relevant" information was deleted to provide more specificity as to the database of information with data field containing those items listed. Support for the claim amendments is found in the claims and specification. No new subject matter was entered.

The term "heuristic" was also deleted from the claims to avoid any confusion as to its definition. The term is loosely used in the industry to refer to both heuristic routines and other computer matching program algorithms. Therefore to eliminate any definitional issues, the term was deleted as applicant's method can employ either type of computer matching programs.

The 35 USC §112 rejection of the revised new claims 12 through 22 should now be withdrawn.

The 35 USC §103(a) rejection of Claims 1-2 (now newly renumbered Claims 12-13) and Claims 4-5 (now newly renumbered Claims 15 and 16) as being unpatentable over Garrett (U.S. Patent No. 5,325, 291) in view of May et al (May, Jerrold H. "A hybrid system improves claims auditing at Blue Cross", Interfaces, Providence, November/December 1993) is traversed. As

pointed out by the Examiner, nothing in the Garrett method of verifying insurance on registered vehicles suggests placing the various data fields into a driver database. Nor does Garrett address or disclose any problems with the entering data input. It also does not disclose or suggest applicant's computer processing method used to generate the uninsured motorist and vehicle databases with in excess of 95% reliability. The Garret reference is a computer matching system, which assumes the accuracy of the inputted databases, generally requires the state insurance policy numbers to be collected and included at the time of registration for subsequent matching, and is therefore subject to "garbage in/garbage out" types of errors. Conversely, applicant's system assumes the unreliability of all raw input data. Applicant's method inputs all relevant data from multiple sources, whether accurate or not, and incorporates multiple algorithms as part of the process to generate uninsured motorist and vehicle databases with in excess of 95% reliability. It therefore is a "garbage in/reliable data out" type of processing system of suitable reliability for law enforcement field action.

The May Hybrid System for auditing Blue Cross health claims also does not disclose applicant's computer processing method used to generate uninsured motorist databases, which have in excess of 95% reliability. Nor is there anything in the May and Garrett references themselves, which suggest combining them in the manner suggested by the Examiner. The Examiner's suggested combination is in clear violation of *In re Sang-Su Lee*, No. 00-1158 decided January 18, 2002 by the US Court of Appeals for the Federal Circuit, requiring objective evidence that something in the references themselves suggests combining them in the manner proposed by the Examiner; citing *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). The uninsured motor vehicle verification industry is not the same as the health insurance industry. Their databases are different and involve different insurance codes, processing sequences, reviews, and claims assessment. Therefore, these dissimilar references cannot be combined in the manner suggested by the Examiner where there is nothing in the references themselves, which suggests their combination. For example, the health industry medical review sequence of the data input as well as co-payment verification is missing in the motor vehicle insurance verification industry. Nor is there any health industry requirement to cross check vehicle information against drivers. Such dissimilar industry practices teach away from combining these dissimilar methodologies. Therefore, the rejection of renumbered Claims 12 and 13, and renumbered Claims 15 and 16 in view of Garrett and May should therefore be

withdrawn.

Nor do either the Garrett or May references disclose the percentage quantities of matching of 96 percent, quality of computer matches of 99 percent, and an overall system reliability uninsured motorist database of 95.8 reliability. The Examiner has thus failed to objectively support the rejection of renumbered Claims 12 and 13, and renumbered Claims 15 and 16, and the rejection should be withdrawn.

The rejection of Claim 4 (renumbered Claim 15) based on Garrett is similarly traversed. Garrett does not disclose accuracy checks on the working database, and is therefore not functional in the field. Nor does Garrett address accuracy problems with these types of data bases, and therefore does not suggest or require statistical sampling methods. It also cannot be combined with May without the benefit of applicant's disclosure. Its combination with the May health insurance method was therefore improper and was based on impermissible hindsight reconstruction. The rejection of renumbered Claim 15 should therefore be withdrawn.

The rejection of Claim 5 (renumbered Claim 16) dependent upon renumbered Claim 12 based on Garrett is similarly traversed. As Garrett fails to disclose the method of renumbered Claim 12, renumbered Claim 16 dependent thereon is similarly not suggested by the Garrett reference and the rejection should therefore be withdrawn.

The rejection of Claim 3 (renumbered Claim 14) as being unpatentable over the combined teachings of Garrett and May and further in view of the New York State Department of Motor Vehicles references is traversed. The New York State Department of Motor Vehicles reference fails to provide any of the deficiencies discussed above with the Garrett and May references with respect to suggesting or requiring statistical sampling methods. Nor is there anything in the reference itself, which suggests combining it with Garrett and May. As Garrett/May and the New York State references fail to disclose the method of renumbered base Claim 12, renumbered Claim 14 dependent thereon is similarly not suggested by these references and the rejection should therefore be withdrawn.

The rejection of Claims 6-7 (renumbered Claims 17-18), 9 and 10 (renumbered Claims 20 and 21), as being unpatented over the teachings of Garret and May, as applied to Claim 1 above, and further in view of Johnston is traversed. Nothing in these references themselves suggests combining them in the manner suggested by the examiner. Nor does Johnston supply any of the statistical sampling methodology requirements of base claim 12. The real time access

method of renumbered Claim 17 dependent on base claim 12 is therefore not suggested by the references.

Nor is the mailing verification method of renumbered Claim 18 dependent on the statistical sampling methodology required of base claim 12 suggested by the reference. Nor do the Garrett, May, or Johnston references disclose data being updated with input from motorists. The Examiner has therefore provided no support for the obviousness rejection of Claim 18, and therefore the rejection should be withdrawn.

The rejection of Claim 9 (renumbered Claim 20) is dependent upon base claim 12, which is not suggested by the Garrett, May, and Johnston references as discussed above. Therefore this rejection is also improper and should be withdrawn.

The rejection of Claim 10 (renumbered Claim 21) is traversed. The Examiner has cited no "means-plus-function" structure, which accomplishes the method steps to reject the claim. As Garrett, May, and Johnston do not provide these features, the rejection is improper and should be withdrawn.

The rejection of Claim 8 (renumbered Claim 19) dependent upon renumbered Claim 12 as being unpatentable over the combined teachings of Garrett and May and further in view of Bosco (U.S. Patent No. 5,191,522 is traversed. As discussed above, neither Garrett nor May disclose applicant's invention. Nor does Bosco et al. supply any of these deficiencies. The rejection of renumbered Claim 19 employed in combination with renumbered Claim 12 transmitting reports of uninsured motorists outside of a closed system is therefore not suggested by the references, and the rejection should be withdrawn. Further, the Examiner has cited nothing in the references themselves, which suggest improving the ease of distribution of the Garrett and May references.

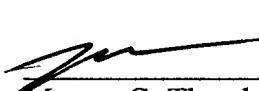
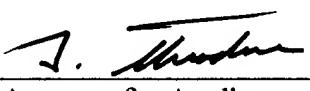
The rejection of Claim 11 (renumbered Claim 22) dependent upon Claim 21 as being unpatentable over the combined teachings of Garrett, May and Johnston as applied to Claim 10 (renumbered Claim 21) and further in view of Deppa (U.S. Patent No. 5,732,198) is similarly traversed. Garrett, May, and Johnston do not expressly disclose the configuration of renumbered Claim 22. Nor do they disclose electronic signal transfer of coded signals to a translator that converts the coded electronic signals into printed reports. Nothing in these references suggests combining the same with the Deppa to provide these deficiencies. Therefore, the Examiner has improperly combined four references via hindsight reconstruction to reject renumbered Claim

22, and the rejection should be withdrawn.

As outlined in the accompanying affidavit of Richard Kasteller, applicant's commercial success as being the sole source supplier of uninsured motor vehicle information to the State of Utah and its numerous law enforcement departments is a clear indication that the market has recognized the novelty of applicant's invention; *Graham v. John Deere Co.*, 383 U.S. at 17, 148 USPQ at 467. In addition, Applicant's invention and method provided the first statistically accurate uninsured motorist lists, which are reliable enough to be accessed in real time on line for field detention of uninsured motorists. It therefore meets the unexpectedly improved properties not present in the prior art under *In re Dillon*, 919 F.2d 692-93 (16 USPQ2d at 1901) to establish non-obviousness. Nothing in the prior art at the time of the invention suggested that the insurance verification data generated was not statistically accurate. Nor was there anything contained in the uninsured motor vehicle method references cited by the Examiner containing any suggestion that the uninsured motor vehicle methods were not sufficiently reliable for field usage. As the reliability problems were not disclosed in these uninsured motorist references, the Examiner has relied on applicant's disclosure in this regard to improperly combine the references based on applicant's own disclosure. The rejection of renumbered Claims 12 through 22 was therefore improper, and should be withdrawn.

If the foregoing revised claims are not sufficient to allow said claims, a telephonic conference is requested with the Examiner

Dated this 6<sup>th</sup> day of September 2002.

   
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